**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**

**AND**

**HON'BLE SHRI JUSTICE G.V. SEETHAPATHY**

**WRIT PETITION No. 14666 OF 2006**

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**Between:**

K. Yellaiah

**……Petitioner**

**And**

The State Election Commission,
Andhra Pradesh, Buddha Bavan,
M.G. Road, Secunderabad and four others

**……Respondents**

**:: ORDER ::**

Counsel for the Petitioner : Sri Satyanarayana Nimmagadda

Counsel for Respondent No.1 : Sri V.V.Prabhakar Rao

Counsel for Respondent No.5 : Government Pleader for Panchayat Raj

**Dated: 28-07-2006**

**Per G.S. SINGHVI, CJ**

This petition for issue of a direction to the respondents to include the petitioner's name in the voters list of Tippayapalli Village and allow him to participate in the forthcoming elections cannot but be treated as a frivolous litigation and the same is liable to be dismissed at the threshold.

A perusal of the averments contained in the affidavit of the petitioner shows that he is said to have filed an application on 13-12-2003 for inclusion of his name in the voters list of Tippayapalli Vilage, Pullampet Mandal, Kadapa District. According to him, the authority to whom the application was made has not taken any decision and on that account, he will be deprived of his right to exercise his franchise in the forthcoming elections.

Although notice of the writ petition has been duly served on the respondents, neither of them has chosen to file counter affidavit. This may be due to the fact that the respondents might have also treated this to be a frivolous piece of litigation.

We have heard learned counsel for the parties. In our opinion, the writ petition is liable to be dismissed because,

(a) the petitioner has not explained the delay of more than two years and six months between the date of filing of application for inclusion of his name in the voters list and presentation of this petition and in a matter like this, the long time gap of more than two years and six months must be treated as fatal to the tenability of the petitioner's claim;

(b) the electoral roll for assembly constituencies of the entire State of Andhra Pradesh were prepared and published in the month of February 2006 under the authority of the Election Commission of India. Thereafter, in furtherance of authorization given by the State Election Commission under Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act') read with Section 243-K(1) of the Constitution of India, the District Panchayat Officers published electoral rolls of various villages in second week of May 2006. If the petitioner found that his name has not been included in the electoral

roll of Thippayapalli Village, he could have lodged claim under Section 20 or 22 or 23 of the Representation of Peoples Act, 1951 in terms of proviso to Section 11 of the Act read with Rule 6 of Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000. The petitioner has neither averred nor any material has been placed on the record of the writ petition to show that he has lodged his claim for inclusion of this name in the voters list.

In view of the above, the writ petition is dismissed.

**G.S.SINGHVI, CJ**

**G.V. SEETHAPATHY,J**

28-07-2006
ks/GRR